

ESTTA Tracking number: **ESTTA569784**

Filing date: **11/08/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	ARIAD Pharmaceuticals, Inc.
Granted to Date of previous extension	11/10/2013
Address	26 Landsdowne Street Cambridge, MA 02139 UNITED STATES
Correspondence information	Paul C. Llewellyn Kaye Scholer LLP 425 Park Avenue New York, NY 10022 UNITED STATES pllewellyn@kayescholer.com, jeischeid@kayescholer.com

### Applicant Information

Application No	85807795	Publication date	05/14/2013
Opposition Filing Date	11/08/2013	Opposition Period Ends	11/10/2013
Applicant	JOHNSON & JOHNSON One Johnson & Johnson Plaza New Brunswick, NJ 089337001 NJ		

### Goods/Services Affected by Opposition

Class 005. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Human pharmaceutical preparation for treating inflammatory diseases and autoimmune diseases

### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2678391	Application Date	11/14/1997
Registration Date	01/21/2003	Foreign Priority Date	NONE
Word Mark	ARIAD		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1997/09/04 First Use In Commerce: 1997/09/04 PHARMACEUTICAL PREPARATIONS USED IN THE TREATMENT AND/OR PROPHYLAXIS OF [ INFLAMMATORY, IMMUNE-RELATED, CARDIOVASCULAR, VIRAL, INFECTIOUS, PULMONARY, GENETIC, ] ONCOLOGIC [ , RENAL, MUSCULOSKELETAL, NEUROLOGIC AND GASTROINTESTINAL ] DISEASES

U.S. Registration No.	2632031	Application Date	11/14/1997
Registration Date	10/08/2002	Foreign Priority Date	NONE

Word Mark	ARIAD
Design Mark	


Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1997/09/04 First Use In Commerce: 1997/09/04 PHARMACEUTICAL PREPARATIONS USED IN THE TREATMENT AND/OR PROPHYLAXIS OF [ INFLAMMATORY, IMMUNE-RELATED, CARDIOVASCULAR, VIRAL, INFECTIOUS, PULMONARY, GENETIC, ] ONCOLOGIC, [ RENAL, MUSCULOSKELETAL, NEUROLOGIC AND GASTROINTESTINAL ] DISEASES

U.S. Registration No.	4429883	Application Date	10/17/2012
Registration Date	11/05/2013	Foreign Priority Date	NONE


Word Mark	ARIAD PASS
Design Mark	

Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2012/12/14 First Use In Commerce: 2012/12/14 Administering pharmacy reimbursement programs and services; Administration of patient reimbursement programs Class 044. First use: First Use: 2012/12/14 First Use In Commerce: 2012/12/14 Providing health information

U.S. Application	85667470	Application Date	07/02/2012
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No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ARIAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0  Diagnostic reagents, preparations and substances for medical laboratory use for detecting cancer; Diagnostic preparations for detecting genetic aberrations for scientific use; reagents, preparations and substances for the preparation or manufacture of pharmaceutical preparations for use in oncology, cardiovascular diseases including stroke, ocular disorders, central nervous system diseases and disorders including Alzheimer's and Parkinson's diseases, inflammation and inflammatory diseases, respiratory and infectious diseases, auto-immune diseases, organ transplant rejection and metabolic disorders; diagnostic kits for detecting genetic predispositions comprising diagnostic reagents, preparations and substances for scientific or medical laboratory purposes; chemical and diagnostic reagents, preparations and substances for scientific purposes</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0  Diagnostic reagents, preparations and substances for medical use for detecting cancer; Diagnostic preparations detecting genetic aberrations for medical use; Pharmaceutical preparations for use in oncology; pharmaceutical preparations for the treatment and prevention of cancer, cardiovascular diseases including stroke, ocular disorders, central nervous system diseases and disorders including Alzheimer's and Parkinson's diseases, inflammation and inflammatory diseases, respiratory and infectious diseases, auto-immune diseases, organ transplant rejection and metabolic disorders; pharmaceutical preparations used in the treatment and/or prophylaxis of viral, pulmonary, genetic, renal, musculoskeletal, neurologic and gastrointestinal diseases; diagnostic kits for detecting genetic predispositions comprising diagnostic reagents, preparations and substances for medical purposes; diagnostic reagents, preparations and substances for medical purposes; Chemical preparations for medical purposes, namely, for use in oncology, for the treatment and prevention of cancer, cardiovascular diseases including stroke, ocular disorders, central nervous system diseases and disorders, Alzheimer's and Parkinson's diseases, inflammation and inflammatory diseases, respiratory and infectious diseases, auto-immune diseases, organ transplant rejection and metabolic disorders, viral, pulmonary, genetic, renal, musculoskeletal, neurologic and gastrointestinal diseases</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0  Computer software for use in electronic storage and retrieval of medical data and medical information for healthcare professionals; computer software for personalized medicine purposes, namely scientific analysis of gene sequences; laboratory devices for detecting gene sequences</p>		

	<p>Class 010. First use: First Use: 0 First Use In Commerce: 0 Medical devices, namely, stents; Medical apparatus and instruments for diagnostic use, namely, apparatus for medical diagnostic testing in the field of cancer; medical diagnostic apparatus for detecting cancer or a predisposition to cancer; coatings sold as an integral component of medical stents and other implantable medical devices; stents</p> <p>Class 039. First use: First Use: 0 First Use In Commerce: 0 Electronic storage of medical data and medical information for healthcare professionals</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Educational classes, seminars, presentations and programs pertaining to cancer, pharmaceuticals, genetics</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0 Providing laboratory research services in the field of gene expression, namely, cancer biology; DNA analysis services; medical and scientific research in the field of pharmaceuticals, cancer treatment and diagnosis; providing medical and scientific research information in the fields of pharmaceuticals and genetics; providing medical research and scientific information in the field of cancer prevention, pharmaceuticals, screening, diagnosis and treatment</p> <p>Class 044. First use: First Use: 0 First Use In Commerce: 0 Genetic testing and screening for medical purposes; medical diagnostic testing, monitoring and reporting services; medical testing for diagnostic or treatment purposes; medical testing for diagnostic or treatment purposes in the field of cancer; medical assistance services in the nature of medical information provided to medical professionals from remote locations via the Internet and global computer networks through the use of archived medical images and a data storage and retrieval system; Medical services in the field of personalized medicine; cancer screening, diagnosis and treatment; providing medical information in the field of cancer prevention, screening, diagnosis and treatment; providing information relating to diagnostic, prophylactic and therapeutic properties of pharmaceuticals in the field of cancer</p>
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U.S. Application No.	85667465	Application Date	07/02/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ARIAD PHARMACEUTICALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0 Diagnostic reagents, preparations and substances for medical laboratory use for detecting cancer; Diagnostic preparations for detecting genetic aberrations for scientific use; reagents, preparations and substances for the preparation or</p>		

	<p>manufacture of pharmaceutical preparations for use in oncology, cardiovascular diseases including stroke, ocular disorders, central nervous system diseases and disorders including Alzheimer's and Parkinson's diseases, inflammation and inflammatory diseases, respiratory and infectious diseases, auto-immune diseases, organ transplant rejection and metabolic disorders; diagnostic kits for detecting genetic predispositions comprising diagnostic reagents, preparations and substances for scientific or medical laboratory purposes; chemical and diagnostic reagents, preparations and substances for scientific purposes</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0</p> <p>Diagnostic reagents, preparations and substances for medical use for detecting cancer; Diagnostic preparations detecting genetic aberrations for medical use; Pharmaceutical preparations for use in oncology; pharmaceutical preparations for the treatment and prevention of cancer, cardiovascular diseases including stroke, ocular disorders, central nervous system diseases and disorders including Alzheimer's and Parkinson's diseases, inflammation and inflammatory diseases, respiratory and infectious diseases, auto-immune diseases, organ transplant rejection and metabolic disorders; pharmaceutical preparations used in the treatment and/or prophylaxis of viral, pulmonary, genetic, renal, musculoskeletal, neurologic and gastrointestinal diseases; diagnostic kits for detecting genetic predispositions comprising diagnostic reagents, preparations and substances for medical purposes; diagnostic reagents, preparations and substances for medical purposes; Chemical preparations for medical purposes, namely, for use in oncology, for the treatment and prevention of cancer, cardiovascular diseases including stroke, ocular disorders, central nervous system diseases and disorders, Alzheimer's and Parkinson's diseases, inflammation and inflammatory diseases, respiratory and infectious diseases, auto-immune diseases, organ transplant rejection and metabolic disorders, viral, pulmonary, genetic, renal, musculoskeletal, neurologic and gastrointestinal diseases</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Computer software for use in electronic storage and retrieval of medical data and medical information for healthcare professionals; computer software for personalized medicine purposes, namely scientific analysis of gene sequences; laboratory devices for detecting gene sequences</p> <p>Class 010. First use: First Use: 0 First Use In Commerce: 0</p> <p>Medical devices, namely, stents; Medical apparatus and instruments for diagnostic use, namely, apparatus for medical diagnostic testing in the field of cancer; medical diagnostic apparatus for detecting cancer or a predisposition to cancer; coatings sold as an integral component of medical stents and other implantable medical devices; stents</p> <p>Class 039. First use: First Use: 0 First Use In Commerce: 0</p> <p>Electronic storage of medical data and medical information for healthcare professionals</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0</p> <p>Educational classes, seminars, presentations and programs pertaining to cancer, pharmaceuticals, genetics</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0</p> <p>Providing laboratory research services in the field of gene expression, namely, cancer biology; DNA analysis services; medical and scientific research in the field of pharmaceuticals, cancer treatment and diagnosis; providing medical and scientific research information in the fields of pharmaceuticals and genetics; providing medical research and scientific information in the field of cancer prevention, pharmaceuticals, screening, diagnosis and treatment</p> <p>Class 044. First use: First Use: 0 First Use In Commerce: 0</p> <p>Genetic testing and screening for medical purposes; medical diagnostic testing, monitoring and reporting services; medical testing for diagnostic or</p>
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	treatment purposes; medical testing for diagnostic or treatment purposes in the field of cancer; medical assistance services in the nature of medical information provided to medical professionals from remote locations via the Internet and global computer networks through the use of archived medical images and a data storage and retrieval system; Medical services in the field of personalized medicine; cancer screening, diagnosis and treatment; providing medical information in the field of cancer prevention, screening, diagnosis and treatment; providing information relating to diagnostic, prophylactic and therapeutic properties of pharmaceuticals in the field of cancer
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U.S. Application No.	85809784	Application Date	12/22/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ARIAD		
Design Mark			
Description of Mark	The mark consists of ARIAD in black with a red thread spiral design.		
Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0  Diagnostic reagents, preparations and substances for medical laboratory use for detecting cancer; Diagnostic preparations for detecting genetic aberrations for scientific use; reagents, preparations and substances for the preparation or manufacture of pharmaceutical preparations for use in oncology, cardiovascular diseases including stroke, ocular disorders, central nervous system diseases and disorders including Alzheimer's and Parkinson's diseases, inflammation and inflammatory diseases, respiratory and infectious diseases, auto-immune diseases, organ transplant rejection and metabolic disorders; diagnostic kits for detecting genetic predispositions comprising diagnostic reagents, preparations and substances for scientific or medical laboratory purposes; chemical and diagnostic reagents, preparations and substances for scientific purposes</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0  Diagnostic reagents, preparations and substances for medical use for detecting cancer; Diagnostic preparations detecting genetic aberrations for medical use; Pharmaceutical preparations for use in oncology; pharmaceutical preparations for the treatment and prevention of cancer, cardiovascular diseases including stroke, ocular disorders, central nervous system diseases and disorders including Alzheimer's and Parkinson's diseases, inflammation and inflammatory diseases, respiratory and infectious diseases, auto-immune diseases, organ transplant rejection and metabolic disorders; pharmaceutical preparations used in the treatment and/or prophylaxis of viral, pulmonary, genetic, renal, musculoskeletal, neurologic and gastrointestinal diseases; diagnostic kits for detecting genetic predispositions comprising diagnostic reagents, preparations and substances for medical purposes; diagnostic reagents, preparations and substances for medical purposes; Chemical preparations for medical purposes, namely, for use in oncology, for the treatment and prevention of cancer, cardiovascular diseases including stroke, ocular disorders, central nervous system diseases and disorders, Alzheimer's and Parkinson's diseases, inflammation and inflammatory diseases, respiratory and infectious diseases,</p>		

	<p>auto-immune diseases, organ transplant rejection and metabolic disorders, viral, pulmonary, genetic, renal, musculoskeletal, neurologic and gastrointestinal diseases</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Computer software for personalized medicine purposes, namely scientific analysis of gene sequences and for use in the electronic storage and retrieval of medical data and medical information for healthcare professionals; laboratory devices for detecting gene sequences</p> <p>Class 010. First use: First Use: 0 First Use In Commerce: 0</p> <p>Medical apparatus and instrument for diagnostic use, namely, apparatus for medical diagnostic testing in the field of cancer; medical diagnostic apparatus for detecting cancer or a predisposition to cancer; coatings sold as an integral component of medical stents and other implantable medical devices; stents</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0</p> <p>Educational classes, seminars, presentations and programs pertaining to cancer, pharmaceuticals, genetics</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0</p> <p>Providing laboratory research services in the field of gene expression, namely, cancer biology; DNA analysis services; medical and scientific research in the field of pharmaceuticals, cancer treatment and diagnosis; providing medical and scientific research information in the fields of pharmaceuticals and genetics; providing medical research and scientific information in the field of cancer prevention, pharmaceuticals, screening, diagnosis and treatment</p> <p>Class 044. First use: First Use: 0 First Use In Commerce: 0</p> <p>Genetic testing and screening for medical purposes; medical diagnostic testing, monitoring and reporting services; medical testing for diagnostic or treatment purposes; medical testing for diagnostic or treatment purposes in the field of cancer</p>
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U.S. Application No.	85366785	Application Date	07/08/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ARIAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 010. First use: First Use: 0 First Use In Commerce: 0</p> <p>Coatings sold as an integral component of medical stents and other implantable medical devices; Stents</p>		

U.S. Application No.	85366797	Application Date	07/08/2011
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ARIAD		
Design Mark			
Description of Mark	The mark consists of the word "ARIAD" with a spiral design rising from the "A".		
Goods/Services	Class 010. First use: First Use: 0 First Use In Commerce: 0 Coatings sold as an integral component of medical stents and other implantable medical devices; Stents		

U.S. Application No.	85587340	Application Date	04/03/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ARIAD DIAGNOSTICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0 Reagents and diagnostic preparations for medical use, namely, reagents and diagnostic preparations for detecting cancer for healthcare professionals; diagnostic preparations for detecting genetic aberrations for scientific or medical purposes</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical preparations for the treatment of genetic aberrations; Preparations for detecting genetic predispositions for scientific or medical purposes; clinical medical reagents; diagnostic kits consisting of reagents and diagnostic preparations for use in detecting genetic predispositions for scientific or medical purposes</p> <p>Class 010. First use: First Use: 0 First Use In Commerce: 0 Medical apparatus and instrument for diagnostic use, namely, apparatus for medical diagnostic testing in the field of cancer; medical diagnostic apparatus for</p>		



	detecting cancer		
U.S. Application No.	85587359	Application Date	04/03/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ARIAD GENETICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Computer software for scientific analysis of gene sequences; laboratory devicesfor detecting gene sequences</p> <p>Class 039. First use: First Use: 0 First Use In Commerce: 0 Electronic storage of medical data and medical information for healthcare professionals</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0 Providing laboratory research services in the field of gene expression, namely,cancer biology; providing medical and scientific research information in the fields of pharmaceuticals and genetics; DNA analysis services; medical and scientific research in the field of cancer treatment and diagnosis</p> <p>Class 044. First use: First Use: 0 First Use In Commerce: 0 Genetic testing and screening for medical purposes; medical diagnostic testing,monitoring and reporting services; medical testing for diagnostic or treatment purposes; medical testing for diagnosticor treatment purposes in the field of cancer; providing information in the field of cancer prevention, screening, diagnosis and treatment</p>		

Attachments	75390211#TMSN.gif( bytes ) 85756371#TMSN.jpeg( bytes ) 85667470#TMSN.jpeg( bytes ) 85667465#TMSN.jpeg( bytes ) 85809784#TMSN.jpeg( bytes ) 85366785#TMSN.jpeg( bytes ) 85366797#TMSN.jpeg( bytes ) 85587340#TMSN.jpeg( bytes ) 85587359#TMSN.jpeg( bytes ) 85807795 SIMPONI ARIA Notice of Opposition.pdf(63798 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address

record by First Class Mail on this date.

Signature	/paul c llewellyn/
Name	Paul C. Llewellyn
Date	11/08/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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ARIAD PHARMACEUTICALS, INC.,	:	
	:	
Opposer,	:	
	:	No. _____
v.	:	
	:	
JOHNSON & JOHNSON,	:	
	:	
Applicant.	:	
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**NOTICE OF OPPOSITION**

Applicant Serial No:	85/807,795
Filed:	December 20, 2012
Published for Opposition:	May 14, 2013
Mark:	SIMPONI ARIA

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Opposer, ARIAD Pharmaceuticals, Inc. (“Opposer” or “ARIAD”), a Delaware corporation with a business address at 26 Lansdowne Street, Cambridge, Massachusetts 02139, believes it will be damaged by the registration of the mark SIMPONI ARIA shown in Application Serial No. 85/805,795, and hereby opposes the same.

As grounds for opposition, Opposer, by and through its undersigned counsel, alleges that:

1. Opposer is a biotechnology company dedicated to the discovery, development and commercialization of pharmaceutical treatments for various diseases.
2. Opposer is the owner of United States Trademark Registration Nos. 2,678,391 and 2,632,031, for the marks ARIAD and ARIAD & Design, filed November 14, 1997 and registered

January 21, 2003 and October 8, 2002, respectively, for “pharmaceutical preparations used in the treatment and/or prophylaxis of oncologic diseases.” The foregoing registrations are valid, subsisting and incontestable.

3. Opposer also is the owner of United States Trademark Registration No. 4,429,883 for ARIAD PASS, filed October 17, 2012 and registered November 5, 2013 for services in Classes 35 and 44. The foregoing registration is valid and subsisting.

4. Opposer hereby gives notice in accordance with Trademark Rule of Practice 2.122(d)(2) that it will rely upon the aforementioned registrations as evidence in this proceeding, and status copies thereof showing present title will be introduced into evidence on its behalf during Opposer’s testimony period.

5. Opposer is also the owner of the following applications:

- a. United States Serial Nos. 85/667,470 and 85/667,465 for ARIAD and ARIAD PHARMACEUTICALS, filed July 2, 2012; and United States Serial No. 85/809,784 for ARIAD & Design, filed December 22, 2012, for goods and services in multiple classes including, inter alia: “Pharmaceutical preparations for use in oncology; pharmaceutical preparations for the treatment and prevention of cancer, cardiovascular diseases including stroke, ocular disorders, central nervous system diseases and disorders including Alzheimer's and Parkinson's diseases, inflammation and inflammatory diseases, respiratory and infectious diseases, auto-immune diseases, organ transplant rejection and metabolic disorders; pharmaceutical preparations used in the treatment and/or prophylaxis of viral, pulmonary, genetic, renal, musculoskeletal, neurologic and gastrointestinal diseases; diagnostic kits for detecting genetic predispositions comprising

diagnostic reagents, preparations and substances for medical purposes; diagnostic reagents, preparations and substances for medical purposes; Chemical preparations for medical purposes, namely, for use in oncology, for the treatment and prevention of cancer, cardiovascular diseases including stroke, ocular disorders, central nervous system diseases and disorders, Alzheimer's and Parkinson's diseases, inflammation and inflammatory diseases, respiratory and infectious diseases, auto-immune diseases, organ transplant rejection and metabolic disorders, viral, pulmonary, genetic, renal, musculoskeletal, neurologic and gastrointestinal diseases” in Class 5, as well as various medical testing and diagnostic services in Class 44;

- b. United States Serial Nos. 85/366,785 and 85/366,797 for AR1AD and ARIAD & Design, filed July 8, 2011, for goods in Class 10; United States Serial No. 85/587,340 for ARIAD DIAGNOSTICS. filed April 3, 2012, for goods in Classes 1, 5 and 10; and United States Serial No. 85/587,359 for ARIAD GENETICS, filed April 3, 2012, for goods and services in Classes 9, 39, 42 and 44.

(All of the foregoing marks, registrations and applications owned by Opposer are referred to hereinafter as “Opposer's Marks.”)

6. The term ARIAD is an arbitrary, inherently distinctive mark as applied to the goods and services covered by Opposer’s registrations and applications.

7. By virtue of Opposer’s substantial use, advertising and promotion of Opposer’s Marks throughout the United States and abroad, the name and mark ARIAD has become well-known and has become distinctive of Opposer and its products and services.

8. Despite Opposer's long prior common law and statutory rights in Opposer's Marks, Applicant Johnson & Johnson ("Applicant"), long after Opposer established rights in and to the name and mark ARIAD and in Opposer's Marks, adopted and filed an intent-to-use application for registration of the mark SIMPONI ARIA for "Human pharmaceutical preparation for treating inflammatory diseases and autoimmune diseases" in International Class 005, as set forth in the Notice of Publication.

9. Opposer's Marks have priority over Applicant's mark because the earliest filing date of Opposer's trademark application for the marks ARIAD and ARIAD & Design is November 14, 1997, and Opposer's date of first use is at least as early as September 4, 1997, well prior to the December 20, 2012 filing date of Applicant's application.

10. Applicant's SIMPONI ARIA mark is substantially or highly similar to Opposer's Marks in sound, appearance and commercial impression.

11. The goods set forth in the subject application are highly related to the products for which Opposer's Marks are registered, used and applied for.

12. As a result, Applicant's applied-for mark SIMPONI ARIA, if used in conjunction with the goods and services set forth in the subject application, is likely to cause confusion, mistake, or to deceive as to the origin, source, sponsorship or affiliation of Applicant's goods.

13. Applicant's applied-for mark SIMPONI ARIA so resembles the previously used and registered Opposer's Marks, as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake or deception within the meaning of 15 U.S.C. § 1052(d).

14. Applicant's applied-for mark SIMPONI ARIA is a close approximation of the previously used and registered mark ARIAD, which is a name or identity of substantial reputation that is closely identified with Opposer, so as to be likely, when applied to the goods

set forth in Applicant's application, to point uniquely to Opposer and to falsely suggest a connection with the Opposer within the meaning of 15 U.S.C. § 1052(a).

WHEREFORE, Opposer respectfully prays that this Opposition be sustained and that registration to Applicant be refused.

The Patent and Trademark Office and Trademark Trial and Appeal Board are hereby authorized to collect any fees necessitated by this Notice of Opposition from the deposit account of Opposer's attorneys, Kaye Scholer LLP, Deposit Account No. 11-0228.

Dated: November 8, 2013

/Paul C. Llewellyn/

Paul C. Llewellyn  
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New York, N.Y. 10022  
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Washington, D.C. 20005  
Telephone: (202) 682-3671  
Attorneys for Opposer ARIAD Pharmaceuticals, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8<sup>th</sup> day of November, 2013, I caused a true and correct copy of the foregoing Notice of Opposition to be served by first class mail, postage prepaid, upon the following domestic representative / correspondent of record:

DANIEL CHUNG, ESQ.  
JOHNSON & JOHNSON  
1 JOHNSON AND JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-0002  
UNITED STATES

/Paul C. Llewellyn/  
Paul C. Llewellyn